

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY
COUNTY, VIRGINIA HELD ON THE 26TH DAY OF APRIL 1999 AT 7:15 P.M. IN THE
BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Joseph V. Gorman, Jr.	-Chairman
	Mary W. Biggs	-Vice Chairman
	Ira D. Long	-Supervisors
	Annette S. Perkins	
	James D. Politis	
	Larry N. Rush	
	Joe C. Stewart	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Robert C. Parker	-Public Information Officer
	Kimberly Golden	-Planner/Grants Coordinator
	Vickie L. Swinney	-Secretary

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chairman called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC HEARINGS

Special Use Permit Request

Nancy & Larry Puckett, ETAL (Agent: Trent & Betty Bell) request for a Special Use Permit to allow a Home Occupation; Tax Parcel No. 78A-1-12. Property is located at 1704 Peppers Ferry Road (State Route 114) in the Riner Magisterial District.

Nancy Puckett spoke on behalf of her request and offered to answer any questions the Board of Supervisors may have on her request for a Special Use Permit.

There being no further speakers, the public hearing was closed

Special Use Permit

Barbara & Gilmer Powers, Jr. (Agent: CFW Wireless Communications) request for a Special Use Permit to allow a Communications tower; Tax Parcels Nos. 63A-2-68 -78. Property is located at 4031 Peppers Ferry Rd (State Route 114) in the Riner Magisterial District. ***This request was withdrawn at the request of the applicant by letter dated March 29, 1999.***

Rezoning Request

Kathleen Stewart (Agent: Anderson & Associates, Inc.) request to rezone approximately 5 acres; Tax Parcel Numbers 104-A-27A, 104-A-28, 104-4-46 (formerly 104-4-45 & 104-4-46) from A-1 (Agriculture) to R-3 (Residential) with a Special Use Permit to allow professional offices. Property is located north East corner of Barn Road and Route 177 intersection in the Riner Magisterial District.

Kathleen Stewart, applicant, spoke in favor of the rezoning request. Ms. Stewart said this was her family residence and does have her business in her home. With the new Radford Hospital built next door, the area should be used for business. Ms. Stewart said their plans are to build a new medical building for her practice.

Charlie Bowles spoke in opposition of the Stewart's request for rezoning. Mr. Bowles said if this request was approved it would only open up a can of worms for other developers to build. The

April 26, 1999

Page 1 of 11

County needs to re-think the development in this area.

Amend Subdivision Ordinance

Proposed Amendment to the Montgomery County Subdivision Ordinance to require that asphalt concrete be used to surface public streets in new subdivisions. Complete text of the proposed amendment may be viewed at the Montgomery County Planning Department, 4 South Franklin Street, Christiansburg.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

Bill Ellenbogen spoke in favor of building a new Blacksburg High School and renovating the Blacksburg Middle School. Mr. Ellenbogen commended the School Board on their decision and recommendation to the Board of Supervisors to build a new high school and renovate the existing middle school and to renovate the current high school for a middle school. Mr. Ellenbogen asked the Board of Supervisors to move forward quickly to resolve this issue.

Bill King spoke in opposition to including the Water and Wastewater Study into the Comprehensive Plan. Mr. King said he represents the Bethel Community and 300 people in this community has signed a petition in opposition of the Water and Wastewater Study that was turned in to the Planning Commission.

Ellen King spoke in opposition to including the Water and Wastewater Study into the Comprehensive Plan. Mrs. King wanted to know who gave the Planning Commission the direct order to include the Water and Wastewater Study in the Comprehensive Plan and why the Board is pursuing this.

Margaret Smith read the following letter for public record:

“Public Address, Board of Supervisors, April 29, 1999
Margaret Smith, Riner

Statements by the PSA and County supervisors’ chairman relative to the 1993 Water and Sewer Study again leave me deeply troubled, wondering what the intentions of a few supervisors are.

First is Mr. Long’s desire to meet with only a few planning commission members and supervisors. Who might these be? The “Study” involves every part of the County, and any discussion of “compromise” should involve those who live in and represent those areas. This idea sounds like an attempt to get certain commission members to pressure the rest for unwanted and unnecessary water and sewer plans behind closed doors. I’m wondering how many more people some of you plan to eliminate from the decision making process, calling it “Removing burdensome layers of bureaucracy” that is designed for citizen participation.

Second, chairmen’s jobs are to conduct meetings and see that boards’ decisions are carried out, not make decisions for their boards unless charged to do so. I hope this board does not approve the idea of limiting the number of participants in the so-called compromise.

Third, contrary to Mr. Gorman’s statement in the Current, none of the proposed projects that would bring new development “...can be supported by affordable infrastructure.”

Fourth, the Plan is “only a guideline” when citizens attempt to establish their rights by objecting to provisions for damaging development. It becomes “mandate” when “...a developer determines a need and provides sufficient funds to accomplish the improvement” of laying lines (with the exception of Carilion) but he does not have to provide funds for building the plants or supplying all the other infrastructure needed for his project.

Fifth, the Riner and Bethel sewer treatment plants would affect land not only designated Conservation and AFD, but would affect wetlands and floodplains, especially if the PSA continues

to withhold information regarding these important environmental and health dangers from the DEQ and VDH, as it did in the case of the Riner sewer treatment plant expansion plan recently.

Margaret Smith, Riner”

ADD TO THE AGENDA - ADDENDUM #1

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously, the following addenda dated April 26, 1999 was added to the agenda:

Library Supplemental Appropriation

ADD TO THE AGENDA -ADDENDUM TO EXECUTIVE SESSION

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously, the following addendum dated April 26, 1999 was added to the agenda:

Section 2.1-344(A)

- (7) Consultation with Legal Counsel and Briefings from Staff Members, Consultants or Attorneys, Pertaining to Actual or Probable Litigation, or Other Specific Legal Matters Requiring the Provision of Legal Advice by Counsel

1. Shelor vs. Montgomery County

The vote on the foregoing motion was as follows:

AYE

Annette S. Perkins

Larry N. Rush

James D. Politis

Joe C. Stewart

Mary W. Biggs

Ira D. Long

Joseph V. Gorman, Jr.

NAY

None

CONSENT AGENDA

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated April 26, 1999 was approved.

The vote on the foregoing motion was as follows:

AYE

Ira D. Long

Mary W. Biggs

Annette S. Perkins

James D. Politis

Larry N. Rush

Joe C. Stewart

Joseph V. Gorman, Jr.

NAY

None

Supplemental Appropriation: Library

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 1999, for the function and in the amount as follows:

April 26, 1999

Page 3 of 11

710	Montgomery Library	\$3,086
720	Floyd Library	<u>\$6,500</u>
	Total	\$9,586

The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

02710-416158	Donations	\$2,661
02710-416150	Montgomery Savings	\$ 425
02720-416158	Donations	\$6,425
02720-416150	Floyd Savings	<u>\$ 75</u>
	Total	\$9,586

Said resolution appropriates additional funds for use by the Library.

Recovered Costs: Board of Supervisors

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 1999, for the function and in the amount as follows:

100	Board of Supervisors	\$907
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02100-419108	Recovered Costs	\$907
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Said resolution appropriates funds received as an overpayment of lodging expense.

Appropriation Adjustment: Stop Violence Against Women (VSTOP) Grant

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation reduction to the annual appropriation for the fiscal year ending June 30, 1998 for the function and in the amount as follows:

321	VSTOP Grant	(\$4,917)
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The reduction of the funds for the foregoing appropriation is as follows:

Revenue Account

23219-424401	State Grant	(\$4,917)
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Said resolution reduces the appropriation for the VSTOP grant.

Award Contract - Elevator Services

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award a term contract with the option to renew for four one-year consecutive periods, for Elevator Full Service Maintenance to **Southern Elevator Company, Inc.** of Greensboro, North Carolina, for the annual amount of \$8,760 and extra repairs outside the service contract at \$70.00

April 26, 1999

Page 4 of 11

per hour plus materials.

Award Contract - Heating Ventilation and Air Conditioning Services (HVAC)

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby agrees to award a term contract with the option to renew for four one-year consecutive periods, for HVAC Full Service Maintenance for the Health & Human Services Building and the two County Library Buildings to **Varney Electric Co., Inc.** of Roanoke, Virginia, for the annual amount of \$11,720 and extra repairs outside of the service contract are \$50 per hour plus materials.

Shawsville Volunteer Rescue Squad

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The approved budget for Shawsville Volunteer Rescue Squad for FY 1998-99 included \$7,500 for replacement of pagers; and

WHEREAS, The Virginia Rescue Squad Grant program awarded \$7,500 to the Shawsville Volunteer Rescue Squad for the purchase of these pagers; and

WHEREAS, The Board of Supervisors authorized the Shawsville Volunteer Rescue Squad to use the \$7,500 for the purchase of mobile radios instead of pagers at their September 14, 1998 meeting; and

WHEREAS, The Shawsville Volunteer Rescue Squad elected to use its own funds for the purchase of mobile radios; and

WHEREAS, The Shawsville Volunteer Rescue Squad has requested the \$7,500 be used toward the replacement of a crash truck.

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the Shawsville Volunteer Rescue Squad to use the funds toward the purchase of a replacement crash truck.

Alleghany Branch Library Building Project - 2232 Review-Acknowledged

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, In accordance with state law, the Board of Supervisors by Resolution of July 13, 1998, established a policy for Planning Commission review of any public building, structure, facility or area prior to its construction, establishment or authorization in accordance with Section 15.2-2232 of the Code of Virginia, 1950, as amended; and

WHEREAS, The Planning Commission at its Regular Meeting of April 14, 1999, reviewed and approved the Alleghany Branch Library Building Project as being substantially in accord with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby acknowledges the findings of the Planning Commission.

NEW BUSINESS

Comprehensive Services Act - Supplemental Appropriation and Transfer from General Contingencies

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 1999, for the function and in the amount as follows:

510	Comprehensive Services Act	\$264,009
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02510-424445	Comprehensive Services Act	\$264,009
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BE IT RESOLVED, By the Board of Supervisors of Montgomery County that a transfer is hereby authorized, as follows:

FROM:

950	General Contingencies	(109,563)
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TO:

510	Comprehensive Services Act	\$109,563
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Said resolution appropriates a supplemental allocation from the state for the Comprehensive Services Act and transfers the local match for the supplement from General Contingencies.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush
Ira D. Long
James D. Politis
Mary W. Biggs
Annette S. Perkins
Joseph V. Gorman, Jr.

NAY

Joe C. Stewart

Conversion of Position to Permanent Part Time and Authorization to Fill: Registrar’s Office

On a motion by Mary W. Biggs, seconded by Ira D. Long and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the conversion of one part- time temporary Assistant Registrar position to a part-time permanent position.

FURTHER, BE IT RESOLVED, That the County Administrator is authorized to fill the part-time permanent position of Assistant Registrar.

The vote on the foregoing motion was as follows:

AYE

Annette S. Perkins
Larry N. Rush
Ira D. Long
James D. Politis
Joe C. Stewart
Mary W. Biggs
Joseph V. Gorman, Jr.

NAY

None

Authorization to Fill Vacant Position-Treasurer’s Office

On a motion by Larry N. Rush, seconded by Ira D. Long and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to fill the following position:

Secretary B-Treasurer

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Annette S. Perkins	
Larry N. Rush	
Ira D. Long	
Joe C. Stewart	
James D. Politis	
Joseph V. Gorman, Jr.	

Library Supplemental Appropriation

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 1999, for the function and in the amount as follows:

710	Montgomery Library	\$39,844
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
02710-424409	State Aid	\$25,844
02710-416150	Library Savings	<u>\$14,000</u>
	Total	\$39,844

Said resolution appropriates additional funds for use by the Library.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Ira D. Long	None
Annette S. Perkins	
Larry N. Rush	
James D. Politis	
Joe C. Stewart	
Mary W. Biggs	
Joseph V. Gorman, Jr.	

COUNTY ATTORNEY’S REPORT

Virginia’s First Regional Industrial Facility Authority-Commerce Park The County Attorney reported that Supervisor Rush, the County Administrator, and himself attended a Virginia’s First Regional Industrial Facility Authority meeting. The participation agreement was approved and will be sent

out to all participating localities for their review and approval.

AEP Status Report The County Attorney reported AEP has submitted a request for a subdivision plat to the Planning Department. This request will be forwarded to the Planning Commission for their review and recommendations. The Planning Commission will then forward their findings to the Board of Supervisors. Once approved by the Board of Supervisors, AEP will convey the deed to the land to the County.

COUNTY ADMINISTRATOR'S REPORT

Road Update Report The County Administrator reported a copy of the Road Update Report is included in the Board's packet. He asked if any of the Board Members had anything to add to the report. Supervisor Stewart asked the County Administrator to contact VDoT and request repair of a large pot hole in the middle of Seneca Hollow Road just past the Slate Hill Tunnel.

VDoT Transportation Plan Update Blacksburg/Christiansburg Study Areas The County Administrator reported that Montgomery County is participating in VDoT's study for transportation plan update for Montgomery County and the Towns. VDoT has hired a consultant and will decide on the areas of study. Telephone surveys are being conducted to see where the residents of Montgomery County and the two Towns travel the most.

Radford Hospital-Request for Address Change The County Administrator reported the US Postal Service has sent out a survey on the possible address change to area residents that would be affected by the possible change. A total of 20 surveys were sent out and 14 have been returned. There were 8 against and 6 in favor of the address change. The deadline to return the surveys is April 30, 1999 and the US Postal Service will forward a copy of their findings. If approved, the change will go into affect May 22, 1999.

County/Town Liaison Meeting The County Administrator reported he will include in the Board's Friday Packet copies of his notes from the meeting. The main topic of discussion was the Y2K preparedness on Emergency/Disaster Planning. Also discussed was the Town of Blacksburg proposal to rectify the funding formula presently being used by the Planning District Commission (PDC). The Town of Blacksburg indicated they are paying an ill proportional share of the cost. The PDC is planning to meet on April 22, 1999 to discuss the funding formula. The County Administrator also reported the Schools have decided to request to the Board of Supervisors to construct a new Blacksburg high school, renovate the existing high school to a middle school and renovate the current middle school. One more area of discussion was that the tipping fees at the Montgomery Regional Solid Waste Authority will remain unchanged for the fiscal year 1999-2000.

County/School Liaison Meeting The County Administrator reported the County/School Liaison meeting was held April 22, 1999. They discussed a variety of items. The Goals 2006 was discussed and how the schools could be measured by addressing the progress of the Goals 2006. A update on the Christiansburg Middle School was given, the geo-technical and environmental work was underway. The School Board presented the Chairman with a copy of the resolution passed by the School Board which requests the Board of Supervisors to build a new Blacksburg high school, renovate the existing high school to a middle school and renovate the current middle school.

BOARD MEMBERS' REPORTS

Supervisor Perkins reported she attended the Planning District Commission meeting where discussions included the PDC's funding formula. The Town of Blacksburg has requested the formula be changed. The PDC will hold another meeting to discuss this proposal and will see how each locality is being assessed.

Economic Development Commission Supervisor Perkins reported that Bob Isner, Director of Economic Development, is attending a trade show in Germany. Discussions also included how the EDC could communicate better with the localities and how they could assist with open communication. Industry Appreciation Day is scheduled for May 20, 1999.

Health and Human Services Commission There are several openings for applicants to serve on the Health and Human Services Commission. These vacancies have been advertised.

Supervisor Biggs reported the School Board adopted a resolution requesting the construction of a new high school in Blacksburg, renovation of the current high school to a middle school and the renovation of the current middle school. The School Board also expresses their appreciation to the Board of Supervisors on their effort on the FY 99/00 Budget.

Supervisor Biggs requested a letter be sent to the Jefferson County Board of Commission in Golden, Colorado concerning the recent tragedy at Columbine High School.

Letter of Sympathy-Columbine High School

On a motion by Ira D. Long, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a letter be sent to the Jefferson County Board of Commission, in Golden, Colorado expressing the Board's sincere sympathy for the recent tragedy at Columbine High School.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
Ira D. Long	
James D. Politis	
Joe C. Stewart	
Annette S. Perkins	
Mary W. Biggs	
Joseph V. Gorman, Jr.	

Supervisor Biggs also commented that she requested information about the County's motor pool vehicles and noted that all the pool cars in the County fleet have over 100,000 miles with the exception of a Ford Bronco which has 70,000 miles. She expressed her appreciation to the County Administrator for putting the new Crown Victoria in the motor pool fleet.

Supervisor Stewart requested the County Administrator write a letter to the Game Commission about the beaver situation in Montgomery County.

Chairman Gorman commented that the Board will need to schedule a work session for the Schools to make a presentation on the proposed new Blacksburg High School and renovation of the existing high school and the current middle school. A work session will also need to be scheduled to discuss the Revised Zoning Ordinance. The work session for the Schools will be scheduled for May 10, 1999 meeting, the work session for the Revised Zoning Ordinance will be scheduled for the May 24, 1999 meeting.

INTO EXECUTIVE SESSION

On a motion by Joe C. Stewart, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors hereby enters into Executive Session for the purpose of discussing the following:

- | | | |
|--------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 2.1-344(A) | (1) | Discussion of Specific Personnel |
| | | 1. County Personnel |
| | (7) | Consultation with Legal Counsel and Briefings from Staff Members, Consultants or Attorneys, Pertaining to Actual or Probable Litigation, or Other Specific Legal Matters Requiring the Provision of Legal Advice by Counsel |

1. Shelor vs. Montgomery County

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Joe C. Stewart	
James D. Politis	
Larry N. Rush	
Ira D. Long	
Mary D. Biggs	
Joseph V. Gorman, Jr.	

OUT OF EXECUTIVE SESSION

On a motion by Ira D. Long, seconded by Larry N. Rush, and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors ends their Executive Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Joe C. Stewart	None
James D. Politis	
Larry N. Rush	
Ira D. Long	
Mary D. Biggs	
Annette S. Perkins	
Joseph V. Gorman, Jr.	

CERTIFICATION OF EXECUTIVE SESSION

On a motion by Ira D. Long, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the executive meeting were heard, discussed or considered by the Board.

VOTE

AYES
James D. Politis
Larry N. Rush
Ira D. Long
Mary W. Biggs
Annette S. Perkins
Joe C. Stewart
Joseph V. Gorman, Jr.

NAYS
None

ABSENT DURING VOTE
None

ABSENT DURING MEETING
None

ADJOURNMENT

On a motion by Mary W. Biggs, seconded by Larry N. Rush and carried unanimously, the Board adjourned to May 10, 1999 at 7:15 p.m.

The meeting adjourned at 10:15 p.m.

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CHAIRMAN	ATTEST: COUNTY ADMINISTRATOR